

TRANSMITTAL SLIP

DATE

19 May 1989

TO:

ROOM NO.

BUILDING

REMARKS:

ADDA *fu* 19 MAY 1989

EXA *fu*

DDA *fu* 22 MAY 1989

REGISTRY (FILE):

D/OP and D/OFM received a copy.

D/OCA has action.

FROM:

ROOM NO.

BUILDING

EXTENSION

FORM NO. 44

REPLACES FORM 36-8

(47)


EXECUTIVE SECRETARIAT
ROUTING SLIP

TO:

| | | ACTION | INFO | DATE | INITIAL |
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| 2 | DDCI | | | | |
| 3 | EXDIR | | | | |
| 4 | D/ICS | | | | |
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| 6 | DDA | | X | | |
| 7 | DDO | | | | |
| 8 | DDS&T | | | | |
| 9 | Chm/NIC | | | | |
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| 11 | IG | | | | |
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Remarks

D/OCA to respond over his signature.


Executive Secretary

17 May 89

Date

2427 (10-81)

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EK 89-2127

ROOM H-405, U.S. CAPITOL
(202) 225-4121

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U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE
 ON INTELLIGENCE
 WASHINGTON, DC 20515-6415

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May 12, 1989

Honorable William H. Webster
 Director of Central Intelligence
 Washington, D.C. 20505

Dear Judge Webster:

H.R. 2225, which would affect the Central Intelligence Agency Retirement and Disability System, has been referred to the House Permanent Select Committee on Intelligence.

Please examine the bill, a copy of which is enclosed, and, at your earliest convenience, provide the Committee with any comments you may have.

Sincerely,

Anthony C. Beilenson
 ANTHONY C. BEILENSON
 Chairman

Enclosure

Leg-5

101ST CONGRESS
1ST SESSION

H. R. 2225

To ensure that certain retirement benefit payments are delivered early when the regular delivery date occurs on a Saturday, Sunday, or legal holiday.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1989

Mr. WILLIAMS introduced the following bill; which was referred jointly to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Permanent Select Committee on Intelligence, and Post Office and Civil Service

A BILL

To ensure that certain retirement benefit payments are delivered early when the regular delivery date occurs on a Saturday, Sunday, or legal holiday.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Retirement Payment
5 Delivery Assurance Act of 1989".

6 **SEC. 2. RAILROAD RETIREMENT BENEFITS.**

7 Section 7(b)(4) of the Railroad Retirement Act of 1974
8 (45 U.S.C. 231f(b)(4)) is amended—

9 (1) by inserting "(A)" after "(4)"; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(B)(i) If the day regularly designated for the delivery of
4 payments issued to pay benefits under this Act occurs on a
5 Saturday, Sunday, or legal public holiday (as defined in sec-
6 tion 6103 of title 5, United States Code), the Board shall
7 certify benefit payments to the Secretary of the Treasury in
8 such a way that the payments will be delivered to the indi-
9 viduals entitled to receive the payments or deposited for such
10 individuals and available for withdrawal by such individuals
11 on the first day that precedes the day regularly designated for
12 delivery and that is not a Saturday, Sunday, or legal public
13 holiday, notwithstanding that the delivery is made in the
14 same month for which the payments are issued.

15 “(ii) If any individual receives a payment authorized
16 under this Act in an amount more than the correct amount of
17 the payment solely because of clause (i), no action may be
18 taken (under section 10 or otherwise) to recover the payment
19 or the amount overpaid.”.

20 **SEC. 3. RETIRED AND RETAINER PAY AND ANNUITIES BASED**
21 **ON RETIRED OR RETAINER PAY.**

22 **(a) RETIRED AND RETAINER PAY.—**

23 **(1) IN GENERAL.—**Title 10, United States Code,
24 is amended by inserting after section 1412 the follow-
25 ing new section:

1 **"§ 1413. Early delivery of payments**

2 “(a) IN GENERAL.—If the day regularly designated for
3 the delivery of payments issued to pay retired or retainer pay
4 computed under this chapter occurs on a Saturday, Sunday,
5 or legal public holiday (as defined in section 6103 of title 5),
6 the secretary concerned shall make the payments in such a
7 way that the payments will be delivered to the individuals
8 entitled to receive the payments or deposited for such individ-
9 uals and available for withdrawal by such individuals on the
10 first day that precedes the day regularly designated for deliv-
11 ery and that is not a Saturday, Sunday, or legal public holi-
12 day, notwithstanding that the delivery is made in the same
13 month for which the payments are issued.

14 “(b) NONRECOVERY OF OVERPAYMENT.—If any indi-
15 vidual receives a payment under this chapter in an amount
16 more than the correct amount of the payment solely because
17 of subsection (a), no action may be taken to recover the pay-
18 ment or the amount overpaid.”.

19 (2) CONFORMING AMENDMENT.—The table of
20 sections at the beginning of chapter 71 of title 10,
21 United States Code, is amended by inserting after the
22 item relating to section 1412 the following:

 “1413. Early delivery of payments.”.

23 (b) ANNUITIES UNDER THE RETIRED SERVICEMAN'S
24 FAMILY PROTECTION PLAN.—Section 1437(a) of title 10,
25 United States Code, is amended—

1 (1) by inserting "(1)" after "(a)"; and

2 (2) by adding at the end the following new para-
3 graph:

4 "(2)(A) If the day regularly designated for the delivery
5 of payments issued to pay an annuity under this subchapter
6 occurs on a Saturday, Sunday, or legal public holiday (as
7 defined in section 6103 of title 5), the secretary concerned
8 shall make the payments in such a way that the payments
9 will be delivered to the individuals to whom the annuities are
10 payable or deposited for such individuals and available for
11 withdrawal by such individuals on the first day that precedes
12 the day regularly designated for delivery and that is not a
13 Saturday, Sunday, or legal public holiday, notwithstanding
14 that the delivery is made in the same month for which the
15 payments are issued.

16 "(B) If any individual receives a payment under this
17 subchapter in an amount more than the correct amount of the
18 payment solely because of subparagraph (A), no action may
19 be taken (under section 1442 or otherwise) to recover the
20 payment or the amount overpaid."

21 (c) ANNUITIES UNDER THE SURVIVOR BENEFIT
22 PLAN.—Section 1450 of title 10, United States Code, is
23 amended by adding at the end the following new subsection:

24 "(m)(1) If the day regularly designated for the delivery
25 of payments issued to pay an annuity under this subchapter

1 occurs on a Saturday, Sunday, or legal public holiday (as
2 defined in section 6103 of title 5), the secretary concerned
3 shall make the payments in such a way that the payments
4 will be delivered to the individuals to whom the annuities are
5 payable or deposited for such individuals and available for
6 withdrawal by such individuals on the first day that precedes
7 the day regularly designated for delivery and that is not a
8 Saturday, Sunday, or legal public holiday, notwithstanding
9 that the delivery is made in the same month for which the
10 payments are issued.

11 “(2) If any individual receives a payment under this sub-
12 chapter in an amount more than the correct amount of the
13 payment solely because of paragraph (1), no action may be
14 taken (under section 1453 or otherwise) to recover the pay-
15 ment or the amount overpaid.”.

16 **SEC. 4. FEDERAL EMPLOYEE RETIREMENT ANNUITIES.**

17 **(a) CIVIL SERVICE RETIREMENT.**—Section 8345(a) of
18 title 5, United States Code, is amended—

19 (1) by inserting “(1)” after (a); and

20 (2) by adding at the end the following new para-
21 graph:

22 “(2)(A) If the day regularly designated for the delivery
23 of payments issued to pay annuities under this subchapter
24 occurs on a Saturday, Sunday, or legal public holiday (as
25 defined in section 6103), the Office of Personnel Management

1 shall make the payments in such a way that the payments
2 will be delivered to the individuals to whom the annuities are
3 payable or deposited for such individuals and available for
4 withdrawal by such individuals on the first day that precedes
5 the day regularly designated for delivery and that is not a
6 Saturday, Sunday, or legal public holiday, notwithstanding
7 that the delivery is made in the same month for which the
8 payments are issued.

9 “(B) If any individual receives a payment under this
10 subchapter in an amount more than the correct amount of the
11 payment solely because of subparagraph (A), no action may
12 be taken (under section 8346(b) or otherwise) to recover the
13 payment or the amount overpaid.”.

14 (b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

15 (1) IN GENERAL.—Section 8463 of title 5, United
16 States Code, is amended by adding at the end the fol-
17 lowing new subsection:

18 “(b) EARLY DELIVERY OF PAYMENTS.—

19 “(1) IN GENERAL.—If the day regularly designat-
20 ed for the delivery of payments issued to pay annuities
21 under this chapter occurs on a Saturday, Sunday, or
22 legal public holiday (as defined in section 6103), the
23 Office of Personnel Management shall make the pay-
24 ments in such a way that the payments will be deliv-
25 ered to the individuals to whom the annuities are pay-

1 able or deposited for such individuals and available for
2 withdrawal by such individuals on the first day that
3 precedes the day regularly designated for delivery and
4 that is not a Saturday, Sunday, or legal public holiday,
5 notwithstanding that the delivery is made in the same
6 month for which the payments are issued.

7 “(2) NONRECOVERY OF OVERPAYMENT.—If any
8 individual receives a payment under this chapter in an
9 amount more than the correct amount of the payment
10 solely because of paragraph (1), no action may be
11 taken (under section 8470(b) or otherwise) to recover
12 the payment or the amount overpaid.”.

13 (2) CONFORMING AMENDMENTS.—

14 (A) Section 8463 of title 5, United States
15 Code, is amended—

16 (i) in the heading, by inserting “and
17 **delivery of payments**” after “**benefits**”;
18 and

19 (ii) by inserting before “Each” the fol-
20 lowing: “(a) **RATE OF BENEFITS.**—”.

21 (B) The table of sections at the beginning of
22 chapter 84 of title 5, United States Code, is
23 amended by striking the item relating to section
24 8463 and inserting the following:

“8463. Rate of benefits and delivery of payments.”.

1 SEC. 5. BLACK LUNG BENEFITS.

2 The Federal Mine Safety and Health Act of 1977 (30
3 U.S.C. 801 et seq.) is amended by inserting after section 402
4 the following new section:

5 "SEC. 403. (a) EARLY DELIVERY OF PAYMENTS.—If
6 the day regularly designated for the delivery of payments
7 issued to pay benefits under this title occurs on a Saturday,
8 Sunday, or legal public holiday (as defined in section 6103 of
9 title 5, United States Code), the payments shall be issued in
10 such a way that the payments will be delivered to the indi-
11 viduals to whom the benefits are payable or deposited for
12 such individuals and available for withdrawal by such individ-
13 uals on the first day that precedes the day regularly designat-
14 ed for delivery and that is not a Saturday, Sunday, or legal
15 public holiday, notwithstanding that the delivery is made in
16 the same month for which the payments are issued.

17 "(b) NONRECOVERY OF OVERPAYMENTS.—If any indi-
18 vidual receives a payment under this title in an amount more
19 than the correct amount of the payment solely because of
20 subsection (a), no action may be taken to recover the pay-
21 ment or the amount overpaid."

22 SEC. 6. FOREIGN SERVICE RETIREMENT BENEFITS.

23 (a) FOREIGN SERVICE RETIREMENT AND DISABILITY
24 SYSTEM.—Section 807 of the Foreign Service Act of 1980
25 (22 U.S.C. 4047) is amended by adding at the end the follow-
26 ing new subsection:

1 “(f)(1) If the day regularly designated for the delivery of
2 payments issued to pay benefits under this subchapter occurs
3 on a Saturday, Sunday, or legal public holiday (as defined in
4 section 6103 of title 5, United States Code), the payments
5 shall be issued in such a way that the payments will be deliv-
6 ered to the individuals to whom the benefits are payable or
7 deposited for such individuals and available for withdrawal by
8 such individuals on the first day that precedes the day regu-
9 larly designated for delivery and that is not a Saturday,
10 Sunday, or legal public holiday, notwithstanding that the de-
11 livery is made in the same month for which the payments are
12 issued.

13 “(2) If any individual receives a payment under this sub-
14 chapter in an amount more than the correct amount of the
15 payment solely because of paragraph (1), no action may be
16 taken to recover the payment or the amount overpaid.”.

17 (b) FOREIGN SERVICE PENSION SYSTEM.—Section
18 859 of the Foreign Service Act of 1980 (22 U.S.C. 4071h) is
19 amended by adding at the end the following new subsection:

20 “(d)(1) If the day regularly designated for the delivery of
21 payments issued to pay benefits under this subchapter occurs
22 on a Saturday, Sunday, or legal public holiday (as defined in
23 section 6103 of title 5, United States Code), the payments
24 shall be issued in such a way that the payments will be deliv-
25 ered to the individuals to whom the benefits are payable or

1 deposited for such individuals and available for withdrawal by
2 such individuals on the first day that precedes the day regu-
3 larly designated for delivery and that is not a Saturday,
4 Sunday, or legal public holiday, notwithstanding that the de-
5 livery is made in the same month for which the payments are
6 issued.

7 “(2) If any individual receives a payment under this sub-
8 chapter in an amount more than the correct amount of the
9 payment solely because of paragraph (1), no action may be
10 taken to recover the payment or the amount overpaid.”.

11 **SEC. 7. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND**
12 **DISABILITY SYSTEM.**

13 The Central Intelligence Agency Retirement Act of
14 1964 for Certain Employees (50 U.S.C. 403 note) is amend-
15 ed by inserting after section 264 the following new section:

16 **“EARLY DELIVERY OF PAYMENTS**

17 **“SEC. 265. (a)** If the day regularly designated for the
18 delivery of payments issued to pay benefits under this Act
19 occurs on a Saturday, Sunday, or legal public holiday (as
20 defined in section 6103 of title 5, United States Code), the
21 payments shall be issued in such a way that the payments
22 will be delivered to the individuals to whom the benefits are
23 payable or deposited for such individuals and available for
24 withdrawal by such individuals on the first day that precedes
25 the day regularly designated for delivery and that is not a
26 Saturday, Sunday, or legal public holiday, notwithstanding

1 that the delivery is made in the same month for which the
2 payments are issued.

3 “(b) If any individual receives a payment under this Act
4 in an amount more than the correct amount of the payment
5 solely because of subsection (a), no action may be taken
6 (under section 264 or otherwise) to recover the payment or
7 the amount overpaid.”.

8 **SEC. 8. EFFECTIVE DATE.**

9 The amendments made by this Act shall apply with re-
10 spect to any payment issued to pay any benefit or annuity the
11 regularly designated day for delivery of which occurs on or
12 after the day that is 30 days after the date of the enactment
13 of this Act.